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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,047	12/07/2001	Lynn Chaffee		6098

7590 07/21/2003  
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EXAMINER

SPISICH, MARK

ART UNIT PAPER NUMBER

1744

DATE MAILED: 07/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/013,047

Applicant(s)

CHAFFEE ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### **General Comments**

A replacement specification as well as drawings were filed 25 February 2002, which is after the granting of the filing date of the present application. The replacement pages of the written specification/claims seem to merely put the claims on a separate sheet; however, the new drawings are appreciably different in some respects. Comments with regard to the drawings are made with respect to the new drawings.

### ***Priority***

Applicant should amend the beginning of page 1 to positively recite that priority is claimed of the prior provisional application.

### ***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 25 February 2002 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f) states that no amendment may introduce new matter into the disclosure of an application. Although the new drawings are a great improvement over those originally filed, any deviation from the drawings filed when the filed date was granted need to be supported by **specific** recitation in the written specification. The original disclosure does not support the showing of (1) the bottom portion of the housing being a separate element (as shown in fig 1); (2) the specific interface between the inlet and outlet ports (8,10) which is shown in fig 1; (3) there is no support in the original drawings for the opening in the lid to be flared out as in fig 1; (4) the bolt shown in fig 2 is not shown in original fig 2 and is not mentioned in

the specification; (5) the interface between the screen 28 and the outlet as shown in fig 1 is not supported by the original fig 1; and (6) the latching/locking means shown in new fig 4 is significantly different from that supported by originally filed fig 4 (eg, the element originally numbered as "47" is no longer labeled as a new element entirely (a handle?) as labeled as such. In summary, the new drawings would be perfectly fine if they were submitted at the time of filing the present application and the granting of the filing date. Any additions to the application subsequent thereto must be fully supported by the application as originally filed. As the original drawings are sufficient to understand the claimed invention, applicant should submit new drawings which follow the original drawings as best as possible without adding any new matter thereto.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (1) #1 as per page 2, line 14; (2) #15 as per page 2, line 16; (3) #48 as per page 20; and (4) #42 as per page 27. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because (1) #13 in fig 4 should instead be #16; and (2) #43 in fig 4 should be #48. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

4. The use of the trademark "pyrex" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. The disclosure is objected to because of the following informalities: (1) the description of #47 as a "wing nut" (especially in view of new fig 4 which seems to show a handle which was not shown in original fig 4 or mentioned in the specification) does not seem to be appropriate and further the element which was previously labeled as #47 is no longer labeled as such; and (2) "18" (page 3, line 2) should be -- 17 --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 does not seem to be entirely correct in that the specification (page 3, lines 7 and 8) states that "the transparent element 16 is held within the sleeve element 17 by glue". There is no recitation that the o-ring is glued to the housing. The only mention of any glue was with respect to the transparent element being glued in the sleeve element. Claims should refrain from using trademarks therein. Although they are permitted in the written specification (as long as they are identified as such), the claims should instead use the best generic terminology which pertains to the

Art Unit: 1744

trademark (eg, "Velcro" is a "hook and loop material"). In this particular case, it would suffice to recite that the transparent element is simply "glass". Claim 3 should recite that the glass member is the "transparent element" already recited in claim 1. "Rests on a by a countersunk ledge the access port into the cylindrical housing" (claim 5, line 1) is awkward/confusing. Applicant should review the claims for any additional informalities.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treplin (USP 3,215,195) in view of Ben-Dosa (USP 5,592,990). The patent to Treplin discloses, in a cleaning system which uses cleaning balls (5), a housing (9) having a closed bottom, an inlet (the top valve 12 when open) and outlet (the bottom valve 12 when open), what appears to an access port cover by a hinged cover (see fig 2), a strainer screen (10) which at least functionally "covers" the outlet port and includes holes large enough to let fluid through but small enough to stop the cleaning balls. The patent to Treplin further discloses what seem to be a seal (or O-ring) located within an annular groove in the lid/cover (again see fig 2) and also a means to attach the cover to the housing. With regard to the locking means, one of ordinary skill would deem it obvious to provide such a means in that one wouldn't want to have the cover to open

Art Unit: 1744

when the system is in operation. The patent to Treplin is silent with respect to the transparent element. The patent to Ben-Dosa does however teach that it is known to provide a transparent element in a cover (36) for such a ball collector (see column 2, lines 12-16). It would have been obvious to one of ordinary skill to have modified the device of Treplin as such so that one could see when the collector was full. The use of a glue to seal in the ring (claim 2) would be obvious to one of ordinary skill to further seal the cover and to better retain the elements in place.

***Allowable Subject Matter***

9. Claims 3-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. NOTE: The following change is suggested as an alternative: (1) to recite that the inlet and outlet ports are aligned with each other on opposite sides of the housing; and (2) to recite that the strainer screen is located IN and covers the outlet port.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Slegers and Voith are pertinent to ball collectors in the claimed environment while the remaining patents are pertinent to the structure of the housing/ strainer (but not in the recited environment).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Mark Spisich', with a long horizontal flourish extending to the right.

Mark Spisich  
Primary Examiner  
Art Unit 1744

MS  
July 17, 2003